

Attorney Docket 55121-88011

REMARKS

Examination is respectfully requested in view of the amendments and the following remarks.

Disposition of Claims

The claims currently pending in the application are claims 98, 99 and 108. Specifically, claims 76-86, 104, 108, 110, 114, 115, 118, and 129-132 have been cancelled pursuant to the present Amendment.

Applicants' Invention is not unpatentable over Nemirofsky in view of Bullock and Jernigan

The Examiner has rejected claim 98 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,594,493 to Nemirofsky ("Nemirofsky") in view of U.S. Patent No. 5,070,404 to Bullock et al. ("Bullock") and U.S. Patent No. 5,233,423 to Jernigan. ("Jernigan").

With respect to independent claim 98, the Examiner asserts that Nemirofsky teaches a hand-held device providing promotional opportunities, the hand-held device comprising a receiver and a central processing unite wherein the promotional opportunities are redeemable at a point of sale. The Examiner further asserts that Bullock teaches receiving auxiliary data associated with promotional opportunities of a sponsor being display to a user of a television system, wherein received auxiliary data is compared against stored data to trigger promotional opportunities based on the comparison and providing the benefit of enabling promotional opportunities to users contemporaneously with advertisements. In addition, the Examiner asserts that Jernigan teaches providing promotional opportunities to users

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which are stored in circuitry, wherein the promotional opportunities are nonrewritable preprogrammed data embedded thereon by a sponsor prior to providing the device to a user.

In response, Applicants have amended independent claim 98 to overcome Nemirofsky, Bullock and Jernigan. In particular, claim 98 has been amended to recite the further steps of comparing the auxiliary data against prestored data on the hand-held device to determine whether a data match was identified and successively illuminating an LED of the plurality of sequenced LEDs when the data match was identified to provide the visual indication of the promotional opportunity available to the user of the hand-held device at redemption, where the promotional opportunity available at redemption is determined based on the illumination of the plurality of sequenced LEDs. Applicants aver that no new matter is being introduced by virtue of the amendment to the claim and that proper antecedent basis is provided in the specification for this claim. See page 15 line 20 to page 16 line 28.

Based on the foregoing, Nemirofsky, Bullock and Jernigan do not anticipate nor render obvious independent claim 98 as now amended and the Examiner is respectfully requested to withdraw his rejection of claim 98 and indicate the allowance thereof as well as dependent claims 99 and 108 based on their respective dependency to independent claim 98.

Conclusion

The pending and amended claims are submitted to clarify and distinctly claim what the applicants consider as their invention. Applicants have thereby submitted claims that specifically recite elements neither shown nor suggested in the

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prior art and to make clear the manner in which those elements cooperate to provide the unique advantages of the present invention.

Based on the foregoing, allowance of claims 98, 99 and 108 is solicited. Should the Examiner have any questions, comments or suggestions which would place the application in a condition for allowance, he is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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Date

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